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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 EPIC AVIATION, LLC,

10 Plaintiff,

11 v.

12 JETSTAR AIR, INC., *et al.*,

13 Defendants.

Case No. C10-1950RSL

ORDER TO SHOW CAUSE

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15 This matter comes before the Court *sua sponte*. On December 2, 2010,
16 plaintiff filed its complaint with this Court alleging that the Court has jurisdiction based
17 on the diversity of citizenship of the parties. See 28 U.S.C. § 1332(a) (establishing that
18 the federal court’s basic diversity jurisdiction extends to “all civil actions where the
19 matter in controversy exceeds . . . \$75,000 . . . and is between . . . citizens of different
20 States.”). “For a case to qualify for federal jurisdiction under 28 U.S.C. § 1332(a), there
21 must be complete diversity of citizenship between the parties opposed in interest.”
22 Kuntz v. Lamar Corp., 385 F.3d 1177, 1181 (9th Cir. 2004) (internal citation omitted).
23 In examining whether complete diversity is present, the citizenship of a limited liability
24 company is determined by examining the citizenship of the owners/members. See
25 Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) (holding

1 that “like a partnership, an LLC is a citizen of every state of which its owners/members
2 are citizens.”).

3 In its complaint, plaintiff fails to allege the citizenship of each
4 owner/member of plaintiff’s LLC. Plaintiff subsequently identified two corporate
5 members, Valley Gull, LLC, and BP Products North America, Inc., but has not identified
6 their citizenship or the citizenship of their members. Therefore, plaintiff has failed to
7 meet its burden to establish the basis of the Court’s jurisdiction. See Indus. Tectonics,
8 Inc. v. Aero Alloy, 912 F.2d 1090, 1092 (9th Cir. 1990) (“The party asserting
9 jurisdiction has the burden of proving all jurisdictional facts”); Fed R. Civ. P. 12(h)(3)
10 (“If the Court determines at any time that it lacks subject-matter jurisdiction, the court
11 must dismiss the action”).

12 Plaintiff is hereby ORDERED TO SHOW CAUSE why the Court should
13 not dismiss this action for lack of subject matter jurisdiction under Fed. R. Civ. P.
14 12(h)(3). Plaintiff shall, on or before June 24, 2011, provide the Court with the
15 citizenship of all of the owners/members of Epic Aviation, LLC, and Valley Gull, LLC,
16 at the time the complaint was filed. The Clerk of the Court is directed to place this order
17 to show cause on the Court’s calendar for June 24, 2011.

18 Dated this 9th day of June, 2011.

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21 Robert S. Lasnik
22 United States District Judge
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